

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dwight Thomas Elder, Jr.,)	
)	C/A No. 9:18-0186-MBS
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Dr. Pacheco, Hayden Family of Mine,)	
Barry Janke, Al Cannon Detention)	
Center,)	
)	
Defendants.)	
_____)	

Plaintiff Dwight Thomas Elder, Jr., proceeding pro se and in forma pauperis, filed the within action on January 22, 2018, alleging that Defendants violated his constitutional rights. See 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling.

By order filed March 14, 2018, the Magistrate Judge directed Plaintiff to bring his case into proper form by completing a summons form listing each Defendant, as well as completing Forms USM-285 for each Defendant. The Magistrate Judge further granted Plaintiff the opportunity to file an amended complaint to cure certain pleading deficiencies. Plaintiff failed to respond to the Magistrate Judge's order.

On April 16, 2018, the Magistrate Judge issued a Report and Recommendation in which he recommended that the complaint be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(b) for failing to comply with the Magistrate Judge's March 14, 2018, order. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. The complaint is dismissed, without prejudice, pursuant to Rule 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

May 14, 2018